

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fifth s 486O assessment on Mr X who has remained in restricted immigration detention for more than 78 months (six and a half years). The previous assessments are:

1134/13 tabled in Parliament on 13 November 2013

1001282 tabled in Parliament on 27 August 2014

1001969 tabled in Parliament on 21 October 2015

1000689-O tabled in Parliament on 20 October 2016

This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1977
Ombudsman ID	1000689-O1
Date of DIBP's reviews	28 October 2016 and 28 April 2017
Total days in detention	2,368 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1000689-O), Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
2 February 2017	Transferred to Villawood IDC.

Recent visa applications/case progression

13 February 2017	Mr X's case was referred on a ministerial submission for consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
15 March 2017	Safe Haven Enterprise visa (SHEV) application refused.
20 March 2017	Applied to the Administrative Appeals Tribunal for merits review.

Health and welfare

International Health and Medical Services (IHMS) advised that in June 2016 Mr X presented to a general practitioner with symptoms of depression including insomnia and nightmares and requested a change to his medication. In February 2017 he was referred to the mental health team after reporting that he had ceased his medication and was experiencing low mood.	
IHMS further advised that Mr X received treatment for type 2 diabetes, high cholesterol and reflux and attended an appointment with a podiatrist in March 2017.	

Ombudsman assessment/recommendation

The department advised that on 30 December 2011 Mr X was found to be owed protection under the Refugee Convention through the Refugee Status Assessment process.

On 15 March 2017 Mr X's SHEV application was refused and he was found not to be owed protection under the Refugee Convention and the complementary protection criterion.

Mr X has been held in restricted detention for more than six and a half years and at the time of the department's latest review was awaiting the outcome of merits review.

The Ombudsman's previous assessment (1000689-O) recommended that consideration be given to granting Mr X a bridging visa.

On 20 October 2016 the Minister advised that Mr X's case was being reviewed for a possible referral to him for consideration under s 195A for the grant of a bridging visa.

The Ombudsman again notes with concern the government's duty of care to detainees and the serious risk to physical and mental health prolonged restricted immigration detention may pose. The Ombudsman notes with serious concern the advice of IHMS that Mr X suffers ongoing depression and has a previously reported history of suicidal ideation.

The Ombudsman recommends that consideration be given to granting Mr X a bridging visa and that his prolonged detention, mental health concerns and the absence of any behavioural incidents in detention are taken into account.